

THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT
OF MISSOURI

Case # 4:22-CV-00511

Blondell Mitchell
Plaintiff Pro Se

vs.

Raytown Water et al

CLERK U.S. DIST. COURT
WEST DIST. OF MO
KANSAS CITY, MO

2024 APR -3 PM 2:18

RECEIVED

Motion to Amend Complaint Pursuant to F.R.C.P. Rule 15
to add all Unknown Defendants of Raytown Water Company

The Plaintiff Pro on this the 27th of March 2024 does hereby enter this Motion to Amend her Complaint to add /Amend her Complaint to add the unknown Defendants which relates back to her original complaint under the F.R.C.P. Rule 15.

Mitchell is not an attorney and has only a very limited knowledge of Law and the Legal Process, the classes she took at Des Moines Area Community College for her Legal Assistant did not go over this part of the legal process and focused mostly on legal research and writing.

Mitchell still has not received the any of the unknown State Defendants names from the Attorney Generals Office or any part of the Discovery Request she had previously requested from both the Attorneys.

As for the Raytown Water Company Board of Directors, Mitchell wishes to add to Board Members Lee Clevenger, Stan Atkinson, Robert Ricklef, Cindy Brittain, or the person Todd McLellan.

Mitchell believes this is because they now have knowledge of their clients' statements which not only includes what the Plaintiff Pro Se knows they said, but other things, possible relating to the Iowa and Colorado Lawsuits, which Mitchell now reserves the right to further Amend her Complaint (claim against that party arose out of the same "conduct, transaction, or occurrence" that the original pleading set out or attempted to set out).

It is a Matter of Law that the F.R.C.P. Rule 15 FRCP 15 is a shorthand name for Rule 15 of the Federal Rules of Civil Procedure, which allows parties to amend or supplement pleadings they have already filed with the court. FRCP 15 aims to streamline amendments, reducing the time and money parties spend arguing about amendments and increasing their chances of resolving the case on the merits. Rule 15 balances a flexible approach to amendments with limitations that ensure fairness for the opposing party.

FRCP 15 has four sections that cover amendments before, during, and after trial. It also addresses when amendments "relate back" to the initial pleading and the issue of supplemental pleadings.

1. Amendments before trial

FRCP 15(a)(1) provides that a party may amend a pleading once without the court's or the opposing party's permission. This amendment must occur within 21 days of serving the pleading or—if the pleading at issue requires a responsive pleading—21 days after serving a responsive pleading or an FRCP 12(b), (e), or (f) motion (whichever happens earlier). FRCP 15(a)(2) applies to all subsequent amendments, providing that a party may only amend a pleading with the opposing party's written consent or the court's permission. FRCP 15(a)(2) instructs that the court "should freely give leave [to amend pleadings] when justice so requires."

2. Amendments during and after trial

Surely once a trial begins, pleadings are set in stone, right? Wrong. If an issue arises during trial and the opposing party objects to that issue as being outside of the pleadings, FRCP 15(b)(1) provides that "the court may permit the pleadings to be amended." To do so, the court should evaluate whether adding the issue to the pleading would prejudice the opposing party. The court may also grant a continuance so that the objecting party can prepare for the newly added issue.

Under FRCP 15(b)(2), if an issue arises during trial and neither party objects to it, the parties and the court must treat the issue as if it had been included in the pleadings from the outset. In this situation, a party may move "to amend the pleadings to conform them to the evidence."

3. Relation back of amendments

FRCP 15(c) considers how statutes of limitation apply to newly added claims in an amended pleading. It answers the question of whether parties can add new claims or parties to their pleadings after the statute of

limitations that applies to the underlying action has run. If the statute of limitations has not yet run, FRCP 15(a) or (b) applies instead.

Under FRCP 15(c), the parties and the court can treat a new party or claim as if it had been in the original pleading—avoiding concerns about a statute of limitations that has passed—so long as it “relates back” to the date of the original pleading. Under FRCP 15(c)(1), an amendment relates back when:

- substantive law with the applicable statute of limitations explicitly allows relation back;
- new claim or defense arose out of the same “conduct, transaction, or occurrence” that the original pleading set out or attempted to set out; or
- **amendment adds a new or differently named party and claim against that party arose out of the same “conduct, transaction, or occurrence” that the original pleading set out or attempted to set out;**
- new party had notice of the action within the timeline under FRCP 4(m), preventing prejudice due to them having to defend against the claim at such a late date; and
- new party knew or should have known, within the timeline under FRCP 4(m), that they would have been named as a defendant “but for a mistake concerning the proper party’s identity.”

4. Supplemental pleadings

FRCP 15(d) allows the court to permit parties to add claims or defenses arising out of events that occurred after they filed the original pleading if they file a motion and provide reasonable notice. This is known as a supplemental pleading. The court may allow supplemental pleadings even when an original pleading is defective. The court may also order an opposing party to respond to the supplemental pleading within a certain timeframe.¹

Wherefore the Plaintiff Pro Se wishes to now Amend her original complaint because not only does it relate back to her original complaint, but the Defendants knew that their names would be added.

Respectfully Submitted,



Blondell Mitchell

CERTIFICATE OF SERVICE

I hereby certify that on April 3, 2024, this document was emailed a copy to the Defendants Attorney, because it's taking 8 business days for Mitchell to receive her U.S. Mail.



Blondell Mitchell

¹ See F.R.C.P. Rule 15

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for (name of individual and title, if any) Todd M. Lellan
 was received by me on (date) April 3, 2024

☐ I personally served the summons on the individual at (place) _____
 _____ on (date) _____; or

☐ I left the summons at the individual's residence or usual place of abode with (name) _____
 _____, a person of suitable age and discretion who resides there,
 on (date) _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on (name of individual) _____, who is
 designated by law to accept service of process on behalf of (name of organization) _____
 _____ on (date) _____; or

☐ I returned the summons unexecuted because _____; or

☒ Other (specify): by U.S. Cert Mail # 7020 3160 0000 9436 1761

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00

I declare under penalty of perjury that this information is true.

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Sent To Todd M. Lellan

Street and Apt. No., or PO Box No. 1801 E. 63rd Street

City, State, ZIP+4® Kankakee Mo 64133

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Blondell F. Mitchell

Server's signature

Blondell F. Mitchell

Printed name and title

5918 Agnes Ave
KC. Mo 64130

Server's address

C: